

15 October 2021, Brussels

## FEAD feedback on the draft Correspondents' guidelines No. 12 on the classification of plastic waste

In the context of the current drafting of the Correspondents' guidelines on the classification of plastic waste, FEAD would like to express its concern over certain provisions included in the draft guidelines, especially over the fact that different contamination thresholds may apply in each Member State.

### 1. Delete Footnotes Nr. 12, 14 and 15

FEAD welcomes the revised draft correspondents' guidelines on the classification of plastic waste, as they provide in general more clarity and allow for a 6 % threshold of non-hazardous impurities/components for intra EU shipments. However, the insertion of footnotes Nr. 12, 14 and 15 will allow individual Member States to apply the stricter B3011 rules (i.e., 2%) also to EU3011, which will make the implementation very unpredictable, including the fact that a shipment with a contamination threshold complying with the guideline's thresholds but above the transit country's national contamination threshold may be considered as an illegal transfer. For this reason, we deem it necessary to delete footnotes Nr. 12, 14 and 15, so that a single threshold (6 %) applies to all intra EU shipments. This is necessary, especially because a 6 % threshold is already low to ensure the correct functioning of the recycling market, being as previously pointed out, an 8 % threshold preferable.

The problematic implementation of national diverging thresholds is also noticeable when reading paragraph 5 of the revised CG: "*Prior to any shipment of plastic wastes, it is recommended that the notifier or the person arranging the shipment clarifies (in writing, if appropriate) whether the intended shipment is in conformity with the national legislation in the countries of transit and destination.*" The applicable threshold should only be the one of the country of destination. Transit countries should only have the right to verify the conformity of transport related matters, not the content of the shipment, as this will not remain in their territories.

In this respect, FEAD would also like to call upon the need for bilateral agreements with third, neighboring countries such as Switzerland and the UK, under which similar rules as the ones applicable within the EU apply. This would avoid less environmentally friendly shipments to be sent on longer journeys to EU countries for reprocessing, as well as the additional administrative burdens.

### 2. Interpretation of the terms "contamination", "almost free from contamination and other types of wastes" and „almost exclusively consisting of"

FEAD welcomes the additional clarity provided by the definitions included in the revised CG. In paragraph 23, the exemplary list of easily separable secondary components should, however, be expanded. So far, caps and labels mainly refer to beverage bottles. The term "lids" should, however, also be included here in order to ensure that other types of packaging, such as yoghurt cup lids, are also excluded. In addition, organic adhesions, such as dry yoghurt residues, should not be counted. These common adhesions cannot be removed in practice, even with the most modern sorting machines, but do not hinder the recycling process. Removal prior to shipping would not be feasible with reasonable effort.

In addition, the last sentence in paragraph 44 should be amended. Market prices for plastic waste for recycling are subject to fluctuations. A general formulation and assumption that plastic waste with a low or negative market price is less suitable for recycling is not correct. However, the opposite wording is correct: plastic waste with a market value is suitable for recycling in the vast majority of cases. The market value can only indicate a positive presumption of recyclability. Please see our proposal below:

*44. When conducting an inspection, indicators such as the market value of the plastic waste in question may be considered for assessing if a consignment of plastic waste may be appropriately classified in a certain entry on plastic waste. It is noted that plastic waste with ~~a low or negative~~ **high or positive** market value may be ~~less~~ **more** likely to be suited for recycling.*

3. More clarity is needed in the correct interpretation of the shipment of mixt plastics within the EU

Taking the case of PVC, on the one hand, it is separately mentioned as the fourth indent of entry EU3011 but is not mentioned under point 4 in Annex IIIA of the WSR. It may be interpreted as a max applicable threshold of 6% of PVC in a flow with different mixed polymers (as *other type of waste*), but clarification on this point would be welcomed.

On the other hand, provided that the 6 % threshold is applicable, there is still uncertainty on how this could be implemented, as in practice it cannot be verified (neither for products nor for grinded material); especially not to an extent of 2 or 6 %. For this reason, PVC should be included under point 4 of Annex IIIA WSR to be accepted in mixtures with other polymers for shipments, without being considered as other type of waste, so that no threshold applies.

For more information/clarifications, please contact [info@fead.be](mailto:info@fead.be).